

AN
ESSAY
ON
CIVIL GOVERNMENT;

IN WHICH THE

RIGHT of chusing *Officers and Members of Parliamt.* for the City and Corporation of London, is shewn to be anciently and unalienably vested in the FREEMEN *at large*, or the WHOLE COMMONALTY of CITIZENS; from whom it has been UNCONSTITUTIONALLY taken and transferred to the LIVERY.

INSCRIBED TO

SIR WILLIAM WITHERS, Lord Mayor of London;

By Dr. WILLIAM KING, late Judge of the High Court of Admiralty, Keeper of the Records, and Vicar-general to the Lord Primate, of Ireland, &c.

TO WHICH IS ADDED

A Remonstrance with the Court of Common-Council,

On their presenting the freedom of the City to Dr. Price, for his Observations on *Civil Liberty*; Setting forth the inconsistency of their concern for the Liberties of the *Americans*, while they trample on the Rights and Privileges of their *Fellow-citizens*.

Quis furor iste novus? quo nunc? quo tenditis?

Heu! miseri cives!

VIRG.

Ye, foolish Galatians! who hath bewitched you?

PAUL, the Apostle.

By the infamous action of
L O N D O N :

PRINTED FOR J. WHEBLE, OPPOSITE ST. DUNSTAN'S
CHURCH, FLEET-STREET. MDCCLXXVI.

[Price One Shilling.]

Taxation no Tyranny

J. Robinson

CIVIL GOVERNMENT



P R E F A C E.

THE author of the REMONSTRANCE, annexed to the following *Essay*, having caused his first sketch to be printed and given away among his acquaintance,* he has been prevailed on to correct some of its inaccuracies and to prefix the tract itself, which originally suggested it; not only because it is now little known and the subject at present peculiarly interesting, but because the abilities and celebrity of the writer, by giving sanction to the argument, may be an apology for the freedom, taken by the remonstrator, in the revival of it.—

* By which means it should seem that some account of it came to be given in the *London Review*, for the last month.

P R E F A C E

THE author of the Remonstrance
 annexed to the following Essay, having
 executed his first sketch to be printed and
 given away among his acquaintance, he
 has been prevailed on to correct some
 of its inaccuracies and to break the rest
 into a form which originally suggested it; not
 only because it is now little known and
 the subject is present peculiarly im-
 pressing, but because the abilities and co-
 labour of the writer, by giving sanction
 to the statement, may be an apology for
 the freedom taken by the remonstrator
 in the revival of it.

* By which means it should seem that some account
 of it came to be given in the London Review, for the
 last month.

(A N)

E S S A Y
O N
CIVIL GOVERNMENT.

INSCRIBED TO SIR WILLIAM WITHERS*.

AS to a *body politic*, it ought to be governed by its *charter*, whether it be a *city* or otherwise. Now, if it be a *city*, wherein there is a *mayor* and *aldermen*, a *common-council* and *freemen*. There, I say again, every one of them, in their respective capacities, have the right of *electing* of *officers* in that *city*; and though I know the *superior governors* do usurp a *tyrannical power* over the *poor freemen*, as we do in our inferior administrations,

* Lord Mayor of London in 1708.

B

where

where the inhabitants of every little village are forced to submit to the absolute government of the headborough, churchwardens, constables, or tithing-men, of the said villages; I speak of my own knowledge, having had *long experience* of *rule and dominion*, as I may so call it, *without controul*: yet, notwithstanding all this, I must beg leave to say, it is a false step we magistrates make, when we thus endeavour to enslave the liberties of the people committed to our care.

In ancient times, the mayor, aldermen, and community, were *all summoned* to the *electing* of such *officers* as were to govern their respective cities; and the community was *then not supposed* to be *represented* by the *common-council*, but by some select, honest, discreet, and wise men, *chosen* by the *citizens* as their *representatives*, or the *whole body* of the *commons*,

for

for these following reasons, which I shall humbly offer to your consideration.

1. That the jurisdiction of a mayor, or aldermen, sheriffs, &c. extends to a *local jurisdiction*; and therefore ought to be chosen by those who *live* under their power, *free of their city*, and *none else*.

2. Because *freemen* of the city pay *scot and lot*, and are bound to assist the chief officers of the city.

3. Because *quest-men*, *jury-men*, *constables*, and *scavengers*, are all chosen by the community of every ward; and it is as equally necessary and just for the well-government of the city, that the *sheriff's officers* should be chosen by the same.

4. If there be any mismanagement in government, the citizens *living in the city*

must be *taxed*, and pay fines for misgovernment; and therefore it is most fit they should have their *vote* in *election*. And farther, if any accident happen by fire, or the miscarriage of one or more of the chief officers, if it so fall out that the treasure should be exhausted and misapplied, I would fain know who must be responsible for it; the several societies of the whole city, or the community, and every particular member thereof?

And here give me leave to express with sorrow, what I am sure is the whispering, nay the report of many, and, I fear, too true, that the cry of the widow and the orphans, doth solicit for vengeance against some magistrates; but I hope your Worship and I may with safe consciences wash our hands from such guilt and oppression: it is true, they wear *chains* of *gold*, but they are *chains* as well as *gold*; and though their
gowns

*gowns are honourable, they are very bur-
thenfome.*

I fhall proceed to enforce the argument for the freemen of cities and corporations; and fhall confider, once for all, whether the *companies* of the feveral *mif-teries*, or the freemen of London, for example, have a right to chufe mayors, aldermen, and fherriffs: and I do affert this for a truth, that the *freemen only*, or *their representatives* who fhall be *actually chofen* to *represent* the *freemen* (excepting the lord-mayor, aldermen, and common-council) have a *right* to this *election*. It is plain that the very city and common-council in all things do acknowledge this to be the *people's right*; for, upon their election of representatives in parliament, the *commissions* they give them run in the name of the *whole commonalty* of the *city*; and it is generally admitted to be the *people's right*, in all acts of common-council,

council, and other public acts, which run in the name of the *commonalty* of the city. They are therefore supposed to do those acts *themselves*, or by their *deputies*.

But I will wave this, lest your Worship should think I would reduce all government to an uncertainty, by dissolving it into the *first principles*, and so seem, at last, to run upon that rock of confusion, which *some people* would have us *split* ourselves upon. Now I crave leave to inform you, that the first records that should make out the people's right, in corporations of England, are either embezzled, burnt, or lost: but, the *liberties* of *London* being confirmed by *Magna Charta*, it is plain that they not only existed before that time, but that those common liberties were grounded upon right reason, so are confirmed by common law, and by consequence are unalterable;

alterable; and *any law* made against those liberties of London, either by a power within the city or without the city, is null of itself. Now to make it appear, that it was one of the city liberties, before the Great Charter, that the freemen should chuse their chief officers, we can go no farther than their charter granted by king John, which is the first charter the city of London hath extant: and by that charter it is said to be granted to the barons of London, yearly to elect a mayor and sheriffs. The word *barons* doth import no more than the *freemen* of London; for then the *freemen* of every port were called *barons*, though at this time it is a title of nobility.

Now every body must allow, that this very charter was not the original of those liberties of London, which are mentioned to be granted; but that it was only declarative, shewing *what the liberties* of

of the city *were*. And here I must infer that this charter declaring that the *barons* of the city, *wherein every particular citizen* is included, should chuse the mayor, sheriffs, &c; this, I say, doth but declare what was the *common right* of all the citizens of London before this charter. Whence we may conclude, that, before the Great Charter, it was the right of the citizens of London, *none excluded*, that *they* should chuse the mayor, &c. and such a right as I ask leave to affirm to be *unalterable*; that is, justly so: for, being a right by the law of Nature, it is superior to all other laws; and other laws are only *so far right* as they agree with *this*. However, I may more boldly say, that this liberty of the citizens of London, being *confirmed by the Great Charter*, cannot be null by any *act of common-council*; and, in my opinion, I think it was *not* in the *common-council's power* to make an act that might debar *all but the liverymen* of the several
companies

companies to come to the election of mayor and sheriffs: for they could not take away the right of the citizens, declared by their charter. And in the first charter, and all others, it is said to be granted to the citizens indefinitely to chuse of themselves a mayor; and the charter ought to be construed in favour of right; and so it is to be taken, that it is granted to all the citizens; and this their right is apparent in the use of it here mentioned. And in the 20th year of Edward the Third, 1347, there is an act of a common-hall recorded, wherein it is said, “ That there
 “ gathered together, on Simon and Jude’s
 “ day, the whole commonalty into Guildhall,
 “ London; so that the whole hall was full
 “ with the commonalty.”

The words of the act were these:
 “ And it is agreed, that from hence-
 “ forth there shall come the mayor, the
 “ aldermen, and also out of every ward

“ of the city of London twelve, eight,
 “ or six, according as the ward shall be
 “ great or small, of the *richest* and *wisest*
 “ of every ward; and *such* numbers,
 “ with the mayor and aldermen, shall
 “ intermeddle and chuse a mayor and
 “ sheriffs for the year following.” This
 is a sufficient proof, I think, that it is
 the *right* of the *citizens* to *elect*; for ac-
 cordingly they did meet together, the
whole body of the *freemen*; and, finding it
 inconvenient, the commonalty did agree,
 at a full hall, that such a select number
 should be chosen by every ward, and
 sent to the election of a mayor and
 sheriffs. And it is probable this was *not*
 the *first time* that such an agreement was
 made; but that this was made after the
 commonalty had, upon some occasion,
reassumed the *power* of electing to them-
 selves: for, according to this agreement,
 it was the *practice* of the *city* for some *ages*
 before

before it was *put* into the *hands* of the *liverymen* of each *company*.

It is apparent, that it was the *constant practice* for the lord mayor, sheriffs, aldermen, and the *whole commonalty*, to *elect* every year: so that the records make it plainly appear, that the *whole commonalty* was there either by *themselves* or their *deputies*, which were *selected men* of their several wards, wherein is understood the *same thing* as the *commonalty*. And, if it were needful to strengthen this, I could prove that *parliament-men* were chosen by the lord mayor, aldermen, and the *representatives* of the *whole commonalty* of the city; which admits that they were *all there* in *their persons*, or in *their deputies*, to chuse them, and give them their commissions; else the *commonalty* is *abused*, in having their names used in the commissions.

Now I shall conclude from all this evidence, that, it being the *liberty of all the freemen of London*, by *themselves or deputies*, to chuse the *lord mayor and sheriffs*; and this, being confirmed to them by *Magna Charta*, as *unalterable*; I assert, it was *not* in the power of the *common-council* to take away the *freemens' right*; nor to say who should be the *people's deputies*; themselves being *deputed* to another power. So that I conclude it was the *ancient undoubted right* of the *citizens of London*, by *themselves or their deputies*, to make their *election* of their *mayor and sheriffs*, and other *chief officers* of the city; and I conceive the *right of the freemen of the city of London*, to be the *common right* of most *corporations and freemen of the kingdom of ENGLAND*.

A R E.

A

R E M O N S T R A N C E

W I T H T H E C O U R T O F

C O M M O N C O U N C I L .

WHEN I consider the opulence and influence of the citizens of London, their weight in the political scale of these kingdoms, and the force of their example, when they have taken the lead in matters of national concern; I cannot help regarding their resolves in common-council to be as interesting as the subject of them may be important.

Not that I conceive the sagacity of bodies-corporate always proportional to their dignity: For, tho' it be said, "in a multitude of counsellors there is
" safety,"

" safety," little is the safety of those who put their trust in the multitude."

To this general reflection may be added a very particular one, " that, as the breath of popular favour intoxicates and turns the brain of individuals, so the air of popular discontent sometimes infects a whole community with not only an endemial but an epidemical phrenzy."*

In the present perturbed and perilous state of our political atmosphere, it is hence not improbable that the *Libermania*, *Freedom-frenzy* or *Liberty-madness*,

* An idea of bishop Butler's, which, tho' singular and whimsical enough, is founded on experience. Indeed the motto to Dr. Price's pamphlet seems to intimate that he has adopted it himself, in apostrophizing the people as being in a state of phrenzy.

Quis furor, iste novus, &c.

with

with which Dr. Price's † pamphlet has infected a considerable part of the kingdom, is a catching disorder of the same kind. From the symptoms, it appears evidently to be a species of *political spleen*; affmilating so well with the natural melancholy of our modern Quidnuncs, who brood with unnatural and peculiar delight over the prospects of public ruin, that it is no wonder it should so widely diffuse its malignant contagion.

In the *country*, at least, this effect was naturally enough to be expected: where those dreadful words *taxation*, *tyranny*, *popery*, *slavery* and the *national debt*, may be supposed to operate on a timorous, ill-informed politician, like *Abracadabra* in a charm for the ague.

In the *metropolis*, where the means of better information are more obvious, it

† Entitled, "Observations on the Nature of Civil Liberty, &c.

was

was as reasonable to suppose that a production, so flimsy in its composition, so superficial in its argument, and so replete with practical error, would be looked upon as, at best, the well-meaning reverie of a superannuated theorist; who, mistaking *politics* for *divinity*, had rambled out of his province, and was rather to be treated with respectful tenderness than serious attention.

It has happened *otherwise*, and you, gentlemen, have deemed this popular performance deserving the distinguished honour of procuring its author the freedom of the City of London, with a copy of his admission, in a gold box; the highest marks of distinction you could bestow.

I do not suppose that, by this proof of your approbation, you meant to compliment Dr. Price on the *literary*
merit

merit of his performance, or that the respectable court of common-council, (whose *literary taste* and *classical learning*, however, will not bear to be disputed) mean to erect itself into a court of *criticism* and *set up* as *London Reviewers*, in opposition to Messrs. K—, and Co.

It must be on account of the *political* merit of the composition, therefore, that the above honour hath been conferred on its author. In this point of view, I take, of course, the freedom of a fellow citizen, (a *freedom* alas, acquired by *servitude**) to remonstrate with you on the impropriety, impolicy, and even *absurdity* of your extraordinary resolution.

To expose the mistakes of Dr. Price's pamphlet, would be to do what has already been attempted, with various success, by many. But, were it otherwise,

* *Libertus sum, non liber.*

this is by no means my design. Admitting the whole weight of his political arguments, and the truth of his arithmetical calculations; the solæcism of sentiment and conduct in the approbation bestowed on it by the common-council, is, but the more flagrant and ridiculous.

The Doctor's preface to the last edition of his pamphlet, indeed, merits some notice. "The principles," says he, "on which I have argued, form the foundation of every state *as far as it is free*, and are the same with those taught by Mr. Locke, and all the writers on civil liberty, who have hitherto been most admired in this country."

Well, gentlemen, and what then? What signifies whether or not the government of a peaceable, prosperous state be so formed, that republican writers

ters shall be pleased to *call* it *free*? Is not the *freedom* of the City of London itself, tho' so often venally purchased and prostituted by presents, to be acquired by what is called *servitude*? Are not our indentured servants and apprentices actually harder worked, more confined, and many as badly treated as *purchased slaves*? Nay, are not even our *freemen* at large robbed of the hard-earned privilege of their *servitude*, that of chusing their own city officers and representatives? And yet are they not still called *Free*? May we not ask, then " what virtue of liberality is there " in the word *Freedom* more than in the " word *Slavery*?" It is for *things* and not *words* that men of sense should contend. Let us even enquire what it is to be *free* in Dr. Price's acceptation of the word. —" To be *governed*, forsooth, by one's " *own will*."---That is, in fact *not to be governed at all*; for if the *will* be not under the direction of *reason*, or subject to the influence

fluence of rational motives, arising from incidents, frequently independent of ourselves, we should act from mere *caprice*; equally ungoverned and ungovernable! But that I may not be suspected of misrepresenting my author, let him speak for himself.

“ By *Physical Liberty* I mean that principle of *spontaneity*, or *self-determination*, which constitutes us *agents*; or which gives us a command over our actions, rendering them properly *ours*, and not effects of the operation of any foreign cause.”

“ In like manner: *Civil Liberty* is the power of a *Civil Society* or *State* to govern itself by *its own discretion*: or by laws of its own making, without being subject to any foreign discretion, or to the impositions of any extraneous will or power. It should be observed,

“ observed, that according to these definitions of the different kinds of liberty, there is one general idea, that runs thro’ them all*; I mean the idea of *self-direction*, or *self-government*. — Did our *volitions* originate not with ourselves, but with some cause over which we have no power, we should want *Physical Liberty*.”

This political divine is here totally out in his philosophy. The *freedom* of the *will* in physical agents, or that *spontaneity* or *self-determination*, which, the Doctor says, constitutes us *agents*, does not originate with ourselves, independent of causes, over which, we have no power. On the contrary, the *will* is ever influenced and often determined by some such cause; while the physical

* The doctor defines *moral* and *religious* liberty, also: but these, being foreign to the present argument, are passed over.

agent

agent himself has no power over his *own will**. Whatever power he may have to do what he *will*, he is not at *liberty* to *will* what to do. His *inclinations*, his *desires*, his *appetites*, are not in his *own power*; and, even if they were, external causes totally independent of him, will often influence the *will* directly contrary to them all. I appeal to common-sense and experience. Hence it is plain that, according to Dr. Price's definition of *freedom*, a man having the power to do what he *pleases*, cannot properly be called *Free*.

It is hence plain also, that *self-government* does not depend on the *freedom* or *independency* of our *volitions*, but on the

* This might be easily proved and illustrated by irrefragable arguments and examples. But they, who are curious to see this subject treated in the most masterly manner, are referred to the well-known tract of Mr. Jonathan Edwards.

freedom

freedom or independency of our *actions*: over which the *judgment* hath as powerful and legitimate an influence as the *will*: and nobody will pretend that the *judgment* is *spontaneous* or uninfluenced by foreign causes.

No man, therefore can be said, to be under even *self-government*, unless his *will* accords with his *reason*; in which case, it is true, he is rightly governed; but this, not because his *will* is *his own*, but because it accords with his *reason* or his *discretion*, which is a reason common to all and is the same in every man. Thus tho the Dr. blunders in defining *physical liberty* he hath unwittingly, defined *civil liberty* very properly, in saying "it is the power of a *civil society* or *state* to govern itself by its *own discretion*;" that is, by its *own will* according with its *reason*, or its *discretion*; a quality which never tends to the disadvantage of the possessor; as *Wilful*
folly

folly constantly does, and even *wit at Will*, will sometimes do.* So that we see it

* True it is, and sorry am I to say it, that Dr. Price does not seem to know the meaning of the word *discretion*; which appears only by accident and vulgar acceptance to have got into his vocabulary. Page 20, he says, "the exercise of despotic power (in the authority of one state over another) can have no other measure than *discretion*; and therefore must be indefinite and *absolute*." Few persons would suppose the learned and casuistical dissertator, on the *principal questions and difficulties in MORALS*, could play so wantonly with words as to use *discretion* (always inseparable from *political propriety*, if not from *moral justice*) as if it were synonymous with unjustifiable tyranny and unaccountable caprice. The Russians are said to have no word in their language expressive of the general European idea of *honour*; and for this reason, they entertain no such idea. Is it possible that Dr. P. in like manner can entertain no idea of *discretion*?

"OH! DISCRETION! THOU'RT A JEWEL."

What a pity the reverend doctor did not listen to this line of the last new song! Such a *lover of peace*, would certainly have stuck by his text, his pastoral charge and
his

is the *wisdom*, not the *wilfulness*, of a state, by which, properly speaking, it should be denominated *free*.

Again the doctor says, the principles he has laid down, "are the same with those taught by Mr. Locke, and all the writers on Civil Liberty, who have been hitherto most admired in this country." Granting this were true, Dr. Price is surely too good a *protestant* to set up a political POPE, or to require us to put implicit faith in the infallibility of Mr. Locke, or Mr. Any-body-else, however justly we may admire him.---But the fact is, this his divine pulpit, instead of launching forth into the turbulent ocean, or putting into the muddy creeks, of profane politics—*Non ludere cum sacris*; not to be too ludicrous with his reverence, however, it must be confessed suspicious, that, from his having done otherwise, the doctor is either *not yet* arrived at years of discretion or that he has over-shot the mark and is past them. *Semel vir, bis puer.*

E

assertion

assertion is not true, at least so far as relates to *liberty* being dependent on the *will*. Mr. Locke asserts on the contrary, " That *liberty* belongs *not* to the *will*."*

Admitting, nevertheless, almost every thing that Dr. Price has said against the weakness, or, if you will, the *wickedness* of *administration*; admitting the justice of his encomiums on the *pious* Americans, his state of the national debt; admitting, in short, every thing but his solutions of problems the most problematical, and his position of principles the most unprincipled, I affirm that nothing can be more inconsistent than for you, or any body of men whatever, to exclaim against the encroachments of arbitrary power and the insolence of tyranny, in *others*; while you, *yourselves* are guilty of

* In what Dr. Warburton calls the finest dissertation in his whole *Essay*.

the same encroachment, the same tyranny, the same insolence.

Nothing, indeed, can be more absurd than for the common-council of London to affect a concern for the freedom of our American colonists, while they trample without concern on the rights and privileges of their fellow-citizens.

You will startle, perhaps, at the charge ; for, indeed, we, *freemen by servitude*, have long patiently borne our misfortune without murmuring at our fate, or reviling our *oppressors* ; putting in practice the true christian principle of imputing their crime to their ignorance, and praying Heaven to forgive them, " as they know not what they do."

I could not help thinking it my duty, however, on the foregoing essay's falling into my hands, to enter into the present

remonstrance with you, on the occasion; especially as, by the part, you have taken in behalf of the Americans, you seem desirous of obtaining a restoration of constitutional liberty, in bringing back the *corrupted* government of this country, to its *first-principles*.

You will give me leave, therefore, to expatiate on some assertions in the preceding tract, relative to the encroachments, long since made by your predecessors and still continued by you, on the rights of your brother-citizens, respecting the election of their *city officers* and parliamentary representatives.

The assertion of the learned essayist, that "the whole body of *freemen* or their representatives, who shall be actually chosen by them, have an exclusive right to such election," is, I presume, uncontroversible: it appearing on your
own

own records that in those times, viz.
 “ on Simon and Jude’s day, anno 1347,
 “ there gathered together the *whole com-*
 “ *monalty* into Guildhall, London: so
 “ that the *whole hall* was full with the
 “ *commonalty*.”--What shall be said, then,
 to the late most flagrant violation of our
 ancient privileges, in the erection of
 fences* in Guildhall yard; to prevent
 the entrance of the *commonalty* at the
 holding of a *common* hall; and to admit
 only the *livery* of the respective compa-
 nies, who have each a particular hall of
 their own, and have nothing to do at
 the Guild, but in common with their
 fellow citizens?

It is admitted that, finding the incon-
 venience of so numerous an assembly, it

* Commonly called the *Sheep-pens*; which, if the
commonalty, or our citizens at large, knew their pri-
 vileges and had spirit enough to maintain them, they
 would soon effectually demolish,

was

was agreed in a full hall, that a select number, chosen by every ward, should assemble for the future; according to which agreement it was the practice of the city for some ages, before the office of election was put into the hands of the Liverymen of each company.

But by whom was it put into such hands? and who are the livery? Are they chosen by the citizens of the respective wards, either for their wealth or their wisdom?---For their wealth, indeed, some of them are appointed by the court of assistants of their respective companies, in order to increase the general fund for gormandizing and gluttony; while others, whose wisdom would rather induce them to decline such worshipful society, are called upon, through pique or ill-will, to *take up*, as it is called, their livery, before they can well

well afford to pay the fine exacted of them on that occasion.

The *Livery* are, indeed, so far from being the *deputies* of the citizens of their respective wards, that it is not even required of them to be resident within the city. They may be aliens, foreigners and even members of other corporations, whose interests are diametrically opposite to those of the city of London; and yet enjoy all the privileges to which a citizen, born, bred and living within the walls, is entitled by servitude, patrimony, or purchase. I add *purchase*, because the fine, paid by a *freeman*, on taking up his *livery*, is in fact the *purchase-money* he is compelled to pay, in order to be entitled to the rights and privileges to which he is born and bred: the acts of common-council, putting into the hands of the *livery* only, the power of chusing the city officers and representatives

tatives having in fact deprived him of his birth-right.

Such *faithful* guardians, however, have the members, of that court, been of this, the constitutional patrimony of their fellow-citizens, that, under their sanction, it has for years been constantly sold by some of the beggarly and bankrupt companies, even as Esau sold his, for a mess of pottage.*

It is from this *venal prostitution* of the rights and privileges of the London ci-

* Now-a-days for a turtle-soup and haunch of venison.—It has frequently happened also that the Livery fines have been in part or altogether remitted, in due time before an approaching election; when the masters and wardens of the companies have chosen to add to the number of Liverymen, in order to secure a majority for a favourite candidate. Were the Livery chosen by the citizens at large, this surreptitious method of creating voters could not be practised.

tizens

tizens, that so much tumult and distraction hath occasionally arisen in the city councils and elections.. It makes a constitutional citizen almost shudder with horror, to reflect on the number and quality of aliens, that have, within these few years, been allowed to purchase those privileges; of which the *natural born or apprentice-bred freemen* are constitutionally deprived.—What “a pack of vagabonds” have not thus intruded themselves into our common-halls; absurdly brawling for *liberty* and the *constitution*; while they were *seating* West Indian negro-drivers, as they would as readily do, Asiatic Nabobs, not only in the chair of magistracy, but as their representatives in the senate itself.—

What have been the consequences?

—Such as were naturally to be expected.

We have seen an alderman and city-re-

F

presentative,

presentative, together with even the chief magistrate himself, betray your rights and debase the honour and dignity of the city by pusillanimously suffering themselves to be carried through the heart of it, prisoners to the Tower; by virtue of a warrant, whose authority they had previously declared illegal, and would not suffer to take place against a private citizen.

At best these timid senators betrayed their trust; by shewing how much more they feared the censure of the House of Commons, as members of parliament, than they did that of the corporation of London, as city magistrates.

Had Oliver and Crosby, when, they arrived within Temple-bar in their way to the Tower, delivered the officer, in whose custody they were, into the hands of the city constables, with his *mittimus*

to one of the counters*, they had acted with becoming spirit and shewn themselves worthy of the eminence, to which the suffrages of their fellow-citizens had raised them. As it was, their conduct was contemptible, and yet the *livery* of several companies were pleased to compliment them highly, on the occasion. A proof how much they either knew, or interested themselves in supporting the honour and dignity of the city and corporation of London.

In a word the *livery*, with respect to the city of London, considered as a body corporate, resembles an over-grown

* Out of principles of humanity, indeed, they might have done better, by ordering their carriage to pass under Newgate; where they might have lodged him safely in the hands of Mr. Ackerman. Had they done this, it would have afforded room for a ludicrous tho' interesting contest between the City and the House of Commons, about the officer's enlargement.

fungus hanging about an oak ; a preposterous excrescence that, while it hides and disgraces the form, secretly preys on the substance, of the trunk, that supports it.

The very spirit of the English constitution requires that, as the officers of corporations, and members of parliament, should be chosen by the majority of those who have a right to vote ; so this right is to be ascertained by customary privileges of time immemorial, confirmed by the great charter, or by subsequent charters or other grants, where none of the former subsist.

Now such immemorial and confirmed charter-privileges being vested in the commonalty or citizens of London at large, their officers and representatives cannot be constitutionally chosen but by a majority of *all* the citizens, *none excluded*.

Those

Those citizens, indeed, may constitutionally agree to avoid the inconvenience of the tumult, usually attending popular elections, by electing sub-representatives or deputies, to vote for superior representatives. In doing this, the constitutional spirit of representation would be still retained; which is not the case, as before observed, with the Livery of London; who are not chosen by the citizens and of course are not their legal representatives.

It was with propriety, therefore, they were given to understand, on a late occasion, that, tho his Majesty would willingly receive the petitions of the citizens of London, in their corporate capacity, he could not receive any from *them*, as he did not regard the *livery*, as any part of the corporation.

And

And yet this unincorporated and adventitious body possesses the privilege of electing the officers and representatives of that corporation. What an absurdity!

Had I been a member of parliament, when the motion was made, in the lower house, for the expulsion of Luttrell, as not being chosen by a majority of the legal constituents; I should have certainly seconded the motion. At the same time, I would have immediately moved, whether I had been seconded or not, for the expulsion of all the four city-members, for a similar reason; their not being chosen by any legal constituents at all.

The constitutional qualifications of all voters, whether for corporation officers or parliamentary representatives, are founded in *birth-right, service, habitation* or

or property. But a Liveryman of London may be neither free by *patrimony* nor *fortune*; he may have neither *house* nor *home* either in or out of the city; and tho he may have once been worth as much money as would buy his freedom and pay his livery-fine, he may not at present be worth a *groat*. And yet this man, tho a pennyless vagabond, shall have a vote for city-officers and members of parliament!

In some petty boroughs indeed an inhabitant paying *scot and lot*, a *pot-wab- bler*, as they deridingly call him, is entitled to a vote; but is it consistent with the dignity and interest of the metropolis of the British empire, the first city for opulence and commerce in the world, that a starving wretch who may not have a bulk to put his head in or a pot to boil, should have a vote for its officers and representatives?

What

What adds to the absurdity, also is this, that a citizen born and bred, free either by patrimony or servitude, may reside in the city and possess ten thousand a year freehold estate in the heart of it; and yet, if he have not *bought* his Livery in some of the companies, he has no vote for either city officers or city-members.* Is this consistent with the constitutional principles, on which the fundamental basis, of all such elections, is grounded? Assuredly, not!

Matters standing thus, with respect to *civil liberty* at home, and immediately in your own power, in a great measure, to redress; ought you not, gentlemen, to begin a reformation among yourselves and restore to your fellow-citizens those rights and privileges which your predecessors have robbed them of, before you

* A singular hard case this, as such an opulent freeholder has no vote for the county of Middlesex.

concern yourselves so greatly in the behalf of the Americans?

Before you make ostentatious presents to the advocates for the freedom of others, ought you not to make the present of a copy of your own freedom of some value, besides the gold-box in which it is inclosed? If the freedom, "by which we are CALLED *Free*" is only the privilege of labouring under oppression, and supporting the deprivation of our natural and constitutional rights, it appears to be of no value at all. Make Dr. Price, at least, a present of his livery-fine also. Without this, your compliment is a mere feather in his cap; which it would be just as absurd in him to wear, as it was in you to bestow it.

You have rewarded the doctor, indeed, in *your* way, for having, in *his* way been sufficiently severe on administration

G

tion

tion and its advocates; because it hath attempted, he says; to deprive the Americans of their liberties. I shall not attempt to defend administration; but as you continue to deprive your fellow-citizens of *their* liberties, I cannot help remonstrating with you on the impropriety of concerning yourselves about a mote in your brother's eye; while you remain unconcerned at a beam in your own. First pluck that out and you may see the clearer to relieve others.

It is with equal impropriety your present chief magistrate makes his annual motions, for shortening of the duration of parliaments; and your champion, Wilkes, makes motions as idle for an equable parliamentary representation, and securing the rights of election.

Let

Let them unite as REAL *City-patriots*, first of all, to reinstate the commonalty, or citizens of London at large, in their undoubted rights and privileges; by obtaining a constitutional mode of election for city-officers* and representatives in parliament: let them do this, *first*, and *afterwards* we may give them credit for their zeal for liberty in behalf of the Americans. At present nothing can be more absurd and ridiculous than pretensions to *patriotism*, in those, who affect so much anxiety for the *constitutional representation* of their fellow-subjects, beyond the Atlantic ocean; while they are so totally unconcerned, and inattentive to the *unconstitutional representation*

* Had such a mode prevailed, on the resignation of the late chamberlain, there is no doubt but Mr. Wilkes would have succeeded to the vacancy; as, whatever be his demerit in other respects, he certainly deserves well at the hands of the citizens in general.

of their *fellow citizens* on this side the river Thames.

I am not unaware that even they, who may admit the justice of the foregoing arguments and the propriety of the present reflections, in regard to the point of *right*, may yet object to that of *expediency*.

The long acquiescence of the commonalty, or citizens at large, to the choice of officers and representatives by the livery; the parliamentary sanctions obtained, and above all the inconveniences attending popular elections, when the voters are so very numerous. These objections are too trite and obvious not to be immediately started by every indolent lover of peace and enemy to reformation.

As

As to the two *first*, however, I shall only reply, that no *known length* of time can plead prescription against a privilege, of usage *time immemorial*; adding, in the words of the essayist, that “ the liberties of London, being confirmed by Magna Charta, existed before that time, and are confirmed by common law, and by consequence are unalterable; any law, made against those liberties, either by a *power within, or without* the city, being *null and void of itself*,”

On the third objection it may be necessary to extend my remonstrance a little farther.

The plea of necessity, the tyrant's plea, as Milton styles it, hath, in all ages, and under all forms of government, been eagerly seized, on the first opportunity, that offered itself, to deprive the people of their franchises. It was so in ancient
Rome

Rome and the same game has been played in modern states. The burghers of Amsterdam in the infancy of the Dutch republic, enjoyed the privilege of electing their own city officers and deputies: as the town grew populous, the public elections, of course, grew tumultuous and inconvenient. Advantage was accordingly taken of this circumstance by the managers, already advanced to magisterial power. As conservators of the peace, therefore, they offered their friendly interposition, and, while the inconvenience was actually troublesome to a people immersed in trade, prevailed on the busy burghers to exchange their rights and privileges in future, for present ease and accommodation.

The cabals and parties, formed in favour of different candidates, interrupted and checked the pursuits of thriving men,

men, occupied only in schemes of industry and traffic. With a spirit very different from that of their fore fathers, they even thought themselves obliged to the magistrates, for taking upon them the trouble of appointing the officers, which they, the burghers, had a right to elect.

The more liberal descendants, of these plodding and parsimonious traders, succeeding to the fortunes which their industry and love of peace had acquired, perceived the error of their progenitors; and made some feeble attempts to recover the freedom of election; but in vain, as very possibly will be all attempts, if any should ever be made, in this country, to restore the freedom of election to the citizens of London.

That the inconveniences, attending popular elections, when the voters are
very

very numerous, are proportionably great, is not to be doubted.

The embarrassment, occasioned by the public assembly of a vast multitude, was experienced at Rome particularly in the time of the Gracchi, when many of the citizens gave their votes from the tops of their houses. But this did not happen till the freedom of that city had been *given* and *sold* to so many aliens, residing *without* the walls, as occasioned their assembling *within* to be tumultuous and disorderly. The convocation of the *Comitia*, in their three divisions of *curiata*, *centuriata* and *tributa*, at the *Campus Martius*, the *Forum* and other places, was before that time carried on with much decorum and regularity: as, indeed, might an election be managed in London, even tho the commonalty or citizens at large were admitted to vote. One restriction, indeed, would be necessary ;

cessary; but that a constitutional one. Every voter should be an inhabitant, either house-keeper or inmate, and should be at home at the time of election, or *pro illa vice* lose his vote; as even the li-very now do, if absent on a journey or unwilling to repair to the place of election.

The suffrages, of all the citizens, might thus be taken by proper officers, appointed to collect them through the different wards, as easily as the king's taxes or parish rates are now gathered and in as short a time as might be required; without any of that tumult which is inseparable from the assembly of a great multitude in a particular place. But even admitting such a scheme to be impracticable, the citizens at large, might do, as formerly, elect *representative deputies* in their respective wards; who might, in their turn, make choice of of-

H

ficers

ficers and members of parliament; who would, in such case be the constitutional representatives of the corporation or of the citizens of London at large; which, for the reasons above given, the present representatives, who are chosen by the *Livery*, are not.

I must again repeat, therefore, in taking my leave of the subject, that it is, to the last degree, inconsistent and absurd in the court of common-council to countenance the advocates for the Americans, or to censure administration for their misconduct towards them; while they remain inattentive to their own greater *misconduct* toward their *Fellow-citizens*.

To address the *Livery* on this occasion, with a view of prevailing on *them* voluntarily to give up the usurped right, they have so long enjoyed, would be a fruitless attempt. The exercise of power
is

is so flattering to those, who once are possessed of it, that it is with the utmost reluctance, they are induced, from the best of motives, to part with it.

It lies with *you*, gentlemen, to exert your constitutional influence, to bring about a reformation in the civil government of the city, and redress the injury done to the London *freemen at large*; in having been so long, and still continuing to be, deprived of their indubitable and unalienable right of election.

Should you not do this, and my remonstrance prove, like your own with majesty, of no effect; it is to be hoped your constituents, the *Commonalty*, by whom you are yourselves chosen, will, take the first opportunity to dismiss such unworthy pretenders to the guardianship of the rights and privileges of their fellow-citizens.

If

If they do *not*, but rest contented with their present *nominal Liberty*, idly pluming themselves on the mere *name* of *Freemen*, they deserve *ever* to remain, what they *now are*, **ACTUAL SLAVES.**

T H E E N D .



